

ORDINANCE NO. 2005 - 2005-07-21

AN EMERGENCY ORDINANCE RELATING TO LAND USE; DECLARING
A MORATORIUM ON THE FILING OF CERTAIN DEVELOPMENT
APPLICATIONS WITHIN AN AREA DESCRIBED AS THE SALMON CREEK
MORATORIUM AREA.

WHEREAS, Salmon Creek Avenue (West Central) is one of 34 designated
corridors identified under the County's Transportation Concurrency Management
System, Chapter 40.350.020, CCC; and

WHEREAS, the operating level on said corridor has fallen below the level of
service designated travel speed for such corridor; and

WHEREAS, major capital improvements will be necessary to remedy such
operating level deficiency, which improvements are not currently scheduled; and

WHEREAS, the Board is concerned that continued receipt of development
applications impacting such corridor fails to adequately reflect the de facto concurrency
moratorium now in effect for the corridor, will result in unproductive and unnecessary
controversy, will encourage inefficient land development, and will divert limited staff
resources; and

WHEREAS, the Salmon Creek Moratorium Area adopted herein consists of
properties whose further development would almost certainly result in further
deterioration of the corridor's operating level of service; and

WHEREAS, the Board concludes that imposition of the present moratorium is in
the best public interest and will facilitate early and comprehensive exploration of
solutions to the present transportation concurrency failure; now, therefore,

IT IS HEREBY ORDERED, RESOLVED AND DECREED BY THE BOARD
OF COUNTY COMMISSIONERS OF CLARK COUNTY, STATE OF
WASHINGTON, AS FOLLOWS:

Section 1. Moratorium. Except as provided for in Section 3, a moratorium is hereby imposed upon the filing of applications and pre-applications for subdivisions, short subdivisions, site plans, and conditional use permits within the moratorium area.

Section 2. Moratorium Area. The Salmon Creek Moratorium Area is shown on the map attached hereto as "Exhibit A."

Section 3. Exceptions. This moratorium shall not apply to the following:

- a. Land use applications not seeking subdivision, short subdivision, site plan, or conditional use permit approval.
- b. Applications which have become vested prior to the effective date of this Ordinance, including the contingent vesting provisions of CCC 40.510.
- c. Applications which involved no net increase in traffic generation from or to a site.
- d. Applications whose traffic generation falls within reserved capacity under CCC 40.350.020.
- e. Applications which fall within an exception provided for in CCC 40.350.020.

Section 4. No other effect. Nothing in this ordinance shall affect application of Chapter 40.350.020 CCC for developments outside of the Salmon Creek Moratorium Area which have traffic impacts within such area.

Section 5. Public Hearing. Pursuant to RCW 35.63.200, a public hearing on this emergency ordinance shall be scheduled within 60 days of the adoption of this ordinance.

Section 6. Staff Direction. The Director of Public Works, in consultation with the Director of Community Development, shall prepare a Comprehensive Work Program to deal with the subject concurrency failure for consideration at said public hearing.

Section 7. Expiration. This Ordinance shall expire 60 days from its effective date unless the Board, by subsequent ordinance, extends or repeals this emergency ordinance.


Section 8. Effective Date. This emergency ordinance shall become effective immediately upon the date and time of its adoption.

ADOPTED at 10:20 a.m. this 26 day of July, 2005.

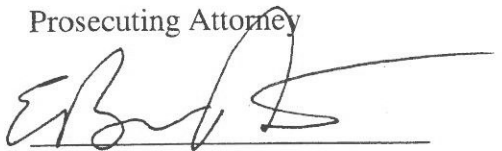
Attest:

BOARD OF COMMISSIONERS
FOR CLARK COUNTY, WASHINGTON


Clerk to the Board

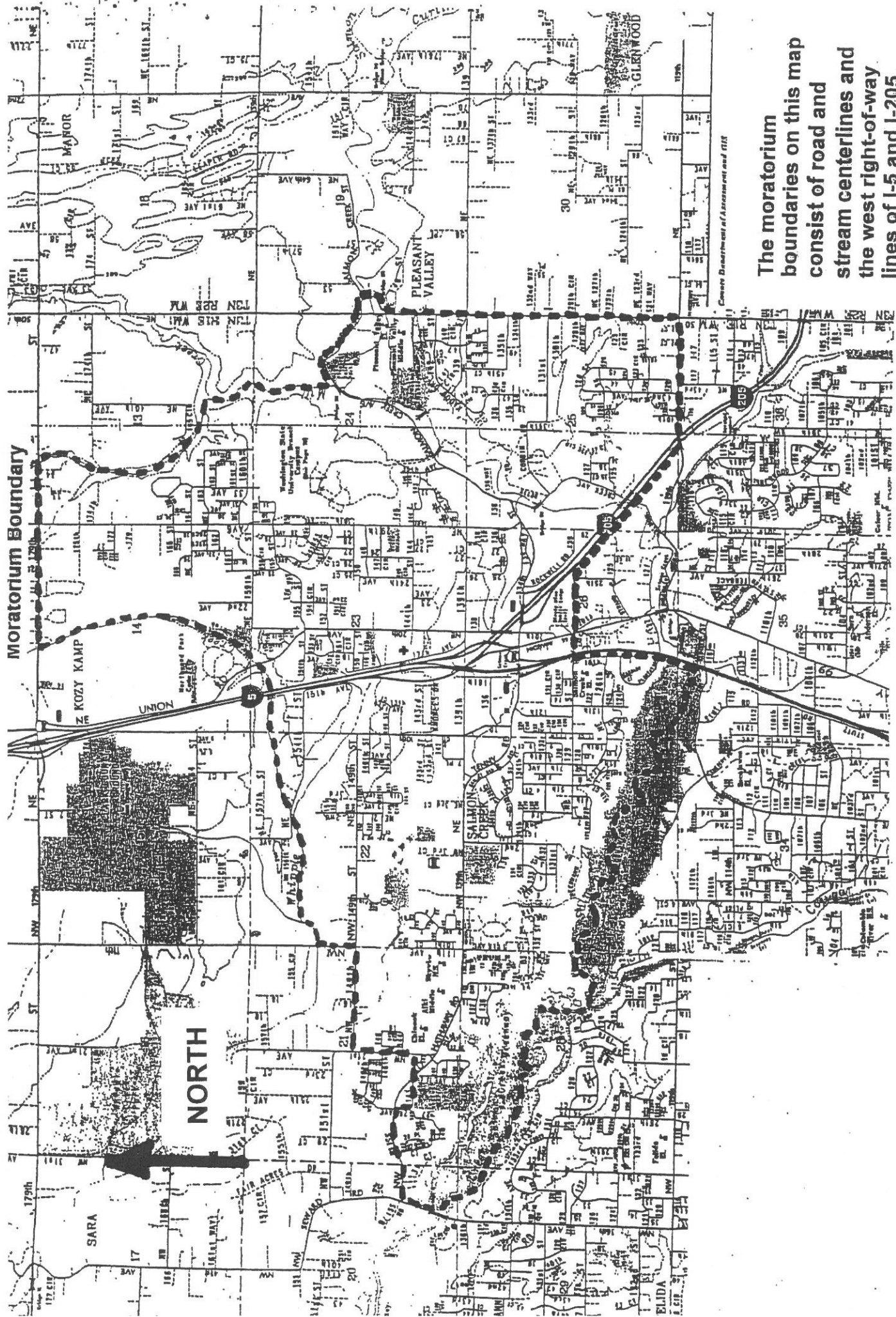
By: 
Betty Sue Morris, Chair

Approved as to form only:
ARTHUR D. CURTIS
Prosecuting Attorney


E. Bronson Potter
Senior Deputy Prosecuting Attorney

Marc Boldt, Commissioner

Steven J. Stuart, Commissioner



The moratorium boundaries on this map consist of road and stream centerlines and the west right-of-way lines of I-5 and I-205.

EXHIBIT A -- Salmon Creek Moratorium Area